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Owner **Andy Alvarez**
Area **Human Resources**
Codes **EO 1083**

Mandatory Reporting of Child Abuse and Neglect

Policy

The California Child Abuse and Neglect Reporting Act, California Penal Code §§ 11164-11174.3 ("CANRA" or the "Act"), identifies certain groups of employees as "Mandated Reporters" of child abuse and neglect, and also imposes various obligations on and extends certain protections to those Mandated Reporters as well as their employers. As a covered employer, the California State University (CSU) is required to comply with the Act. Relevant excerpts of the Act are provided as [Attachment A](#).

To implement and assure compliance with the Act, this policy:

- Identifies the categories of employees within the CSU that are Mandated Reporters;
- Explains the difference between two types of Mandated Reporters;
- Provides information to Mandated Reporters regarding their reporting requirements and the procedures they must follow;
- Provides information to Mandated Reporters regarding the legal immunity extended with respect to their reporting;
- Provides forms and training resources required for Mandated Reporters (information and training are also available and accessible for all other employees and volunteers); and
- Identifies information that is required to be included on job postings/position announcements and job descriptions.

Apart from the legal obligations the Act imposes, it is the policy of the California State University to require all Management Personnel Plan employees and all volunteers, and to strongly encourage all other members of the CSU community who are not designated under the Act, to report child abuse and neglect occurring on CSU premises or at an official activity of, or program conducted by, the CSU. All Mandated Reporters should be notified of the Act and any requirement to complete training on the identification and reporting of child abuse and neglect (see [Training](#) Section below for further information). All other employees and volunteers should be notified of the Act and the availability of training.

I. DEFINITIONS

- **"Child"** means a person under the age of 18 years.
- **"Child Abuse or Neglect"** refers to physical injury or death inflicted by other than accidental means on a child; sexual assault or sexual exploitation of a child including sexual intercourse between a child under 16 years of age and a person 21 years of age or older, lewd or lascivious acts, and child molestation; negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare; willful harming, injuring, or endangering a child; and unlawful corporal punishment.
- **"Child Abuse and Neglect Reporting Act"** refers to California Penal Code §§ 11164-11174.3, which identifies certain employment positions as Mandated Reporters with specified reporting obligations for suspected child abuse and neglect.
- **"General Reporters"** is a category of Mandated Reporter, defined by the CSU as those who are legally required to report child abuse or neglect *no matter where it occurs*. For the purposes of this policy, any employee who satisfies the criteria for both Limited Reporters and General Reporters will be designated as a General Reporter.
- **"Limited Reporters"** is a category of Mandated Reporter, in accordance with California Penal Code § 11165.7(a)(41), and defined by the CSU as those who are legally required to report child abuse or neglect *only if it occurs on CSU premises or at an official activity of, or program conducted by, the CSU*.
- **"Mandated Reporters"** means CSU employees or volunteers required under CANRA and CSU policy to report suspected child abuse and neglect to specified authorities. For the purposes of this policy, "Mandated Reporters" includes two categories: Limited Reporters and General Reporters; "Mandated Reporter" refers to both Limited Reporters and General Reporters.
- **"Reasonable Suspicion"** as defined under Penal Code § 11166(a) means that "it is objectively reasonable...[for a Mandated Reporter] to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect." Facts upon which a reasonable suspicion may arise do not have to have been witnessed by the Mandated Reporter but can be learned from other sources.

II. EMPLOYEES WHO ARE REQUIRED TO REPORT

The Act identifies forty-nine(49) employment positions as Mandated Reporters with specified mandated reporting responsibilities, including those whose duties involve regular contact with children or who supervise such employees. Categories of CSU employees who qualify as Mandated Reporters are identified in [Attachment B](#).

Campus Human Resources will have established a list of classifications (or in some cases, positions within classifications) that fall within the broad categories identified in [Attachment B](#). The list will distinguish between (a) those who are legally required to report child abuse or neglect only if it occurs on CSU premises or at an official activity of, or program conducted by, the CSU (Limited Reporters) and (b) those who are legally required to report suspected abuse or neglect wherever it occurs (General Reporters). Any employee who satisfies the criteria for both Limited Reporters and General Reporters will

be designated as a General Reporter. The list should be periodically updated.

In addition, as a matter of CSU policy, all Management Personnel Plan employees and all volunteers are considered Limited Reporters (except that Management Personnel Plan employees who meet the definition of "General Reporter" are General Reporters).

Non-Management Personnel Plan employees hired prior to January 1, 1985 are not required to be designated as Mandated Reporters¹ but are strongly encouraged to report suspected child abuse or neglect.

III. WHEN REPORTING IS REQUIRED

The Act requires Mandated Reporters to report child abuse and neglect whenever, in their professional capacity or within the scope of their employment, they observe or reasonably suspect it. For General Reporters, reporting extends to suspected abuse or neglect wherever it occurs. For Limited Reporters, the reporting obligation is limited to suspected abuse or neglect occurring on CSU premises or at an official activity of, or program conducted by, the CSU.

A Mandated Reporter should reasonably suspect child abuse or neglect whenever "it is objectively reasonable ... to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect." (Penal Code § 11166(a)). Facts upon which a reasonable suspicion may arise do not have to have been witnessed by the Mandated Reporter but can be learned from other sources.

The Mandated Reporter is personally responsible for determining when reporting is required and following the reporting procedures identified in the Act, as summarized below. In other words, it is the individual employee's legal obligation to report, not the CSU's.

IV. ABUSE AND NEGLECT THAT MUST BE REPORTED

Mandated Reporters must report the following types of abuse or neglect:

- **Physical abuse**, meaning physical injury other than by accidental means inflicted on a child (Penal Code § 11165.6)
- **Sexual assault**, including sex acts with a child, intentional masturbation in the presence of a child, child molestation, and lewd or lascivious acts with a child under 14 years of age or with a child under 16 years of age if the other person is at least ten years older than the child (Penal Code § 11165.1(a)(b))
- **Sexual exploitation**, including acts relating to child pornography, child prostitution, or performances involving obscene sexual conduct by a child (Penal Code § 11165.1(c))
- **Statutory rape** involving sexual intercourse between a child under 16 years of age and a person 21 years of age or older, which is also a form of "sexual assault" (Penal Code §§ 261.5(d) and 11165.1(a))
- **Neglect** meaning the negligent treatment or maltreatment of a child by a parent, guardian or caretaker under circumstances indicating harm or threatened harm to the child's health or welfare (Penal Code § 11165.2)

- **Willful harming or injuring or endangering a child**, meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child's health is endangered (Penal Code § 11165.3)
- **Unlawful corporal punishment**, meaning a situation in which any person willfully inflicts upon a child cruel or inhuman corporal punishment or a physical injury (Penal Code § 11165.4)

V. WHAT IS NOT CHILD ABUSE OR NEGLECT

The following are examples of what is **not** child abuse or neglect for reporting purposes:

- Injuries caused by two children fighting during a mutual altercation (Penal Code § 11165.6)
- Voluntary sex acts, if there are no indicators of abuse, unless that conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age (Penal Code § 11165.1(a)).
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment (Penal Code § 11165.6)
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property, for self-defense, or to obtain possession of weapons or other dangerous objects under a child's control (Penal Code § 11165.4)
- Corporal punishment, unless it is cruel or inhuman or willfully inflicts a physical injury (Penal Code § 11165.4)
- Not receiving medical treatment for religious reasons (Penal Code § 11165.2(b))
- Acts performed for a valid medical purpose (Penal Code § 11165.1(b)(3))
- An informed and appropriate medical decision made by a parent, guardian or caretaker after consultation with a physician who has examined the child (Penal Code § 11165.2(b))

VI. RESPONSIBILITIES OF CAMPUS HUMAN RESOURCES

Campus Human Resources will have direct or oversight responsibilities for the following:

- Identifying Mandated Reporters (Limited Reporters and General Reporters)
- Ensuring that the statement described in Section XII appears in the position announcement and position description of all Mandated Reporter positions
- Ensuring that all Mandated Reporters (with the exception of non-Management Personnel Plan employees hired prior to January 1, 1985) are provided with statements to be completed acknowledging their legal obligations (Attachments C and D)
- Tracking Mandated Reporters' completion of Attachments C and D and placing the signed statements in each employee's personnel file
- Tracking the assignment and completion of training by Mandated Reporters with a legal obligation to complete training under Penal Code § 11165.7(c)(2).
- Assisting Mandated Reporters in carrying out their reporting responsibilities
- Taking measures, if necessary, to ensure that Mandated Reporters are not impeded in performing their duties

VII. PROCEDURE FOR REPORTING

Mandated Reporters are legally required to report suspected child abuse or neglect as follows:

- **Step One: Immediately, or as soon as practically possible, contact by phone one of the following:**
 - a police or sheriff's department (including campus police but not including a school district police or security department);
 - a county probation department (if designated by the county to receive mandated reports); or
 - the county welfare department (Child Protected Services or CPS).
- **Step Two: Within 36 hours of receiving the information concerning the incident:**
 - Complete Form SS 8572 (included as Attachment E; [Form SS 8572](#) and [instructions for completing the form](#) are also available at the State of California Department of Justice website; **and**
 - send, fax, or electronically transmit it to the agency that was contacted by phone (Penal Code § 11166(a))

Note: In case of an emergency or if a crime is in progress, employees should always immediately call campus police or 911.

At the time of the phone call, the Mandated Reporter must provide the following information, if known:

- Their name, business address, and telephone number as the Mandated Reporter
- The child's name, address, and present location
- The name(s), address(es), and telephone number(s) of the child's parent(s), guardian(s), or caretaker(s)
- The source of information that led to the suspicion of child abuse
- The name(s), address(es), telephone number(s), and other personal information of person(s) who might have abused the child

The Mandated Reporter is not excused from making a report where some of this information is not known or is uncertain.

For suspected abuse or neglect occurring on CSU premises or at an official activity of, or program conducted by the CSU, Mandated Reporters are encouraged, but not required, to also notify their supervisors or other appropriate administrators. However, reporting to a supervisor, a coworker, or any other person is not a substitute for making a mandated report to one of the agencies listed above.

When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report (Penal Code § 11166(h)).

Names and contact information for agencies that can accept reports are available online at the following hyperlinks:

- [California State University Police Departments \(by campus\)](#)
- [Child Protective Services \(by county\)](#)
- [Sheriffs' Departments \(by county\)](#)

Attachment E (Form SS 8572) is the California Department of Justice form for use by Mandated Reporters to report suspected child abuse or neglect. [Form SS 8572](#) and [instructions for completing the form](#) are also available at the State of California Department of Justice website.

VIII. IMMUNITY AND CONFIDENTIALITY OF REPORTER

Mandated Reporters cannot be held civilly or criminally liable for their reports. Instead, they enjoy immunity from prosecution for their reporting of suspected child abuse (Penal Code § 11172(a)). Both the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies (Penal Code § 11167(d)).

IX. PENALTY FOR FAILURE TO REPORT ABUSE OR IMPEDING REPORT

A Mandated Reporter who fails to make a required report, or any administrator or supervisor who impedes or inhibits a report, is guilty of a misdemeanor punishable by up to six months in jail, a fine of \$1,000, or both (Penal Code §§ 11166(c) and 11166.01(a)).

Where the abuse results in death or great bodily injury, the Mandated Reporter who fails to make a required report or administrator or supervisor who impeded or inhibited the report is subject to punishment of up to one year in jail, a fine of \$5,000, or both (Penal Code § 11166.01(b)).

X. WRITTEN ACKNOWLEDGMENT OF LEGAL RESPONSIBILITY TO REPORT ABUSE

A. New Employees

New employees who are identified as Mandated Reporters (including Management Personnel Plan employees) will be notified and required, as a precondition of employment, to sign a statement that acknowledges their status as a Mandated Reporter and their agreement to comply with the reporting obligations under the Act. The statement will specify whether the employee is a Limited Reporter (Attachment C) or a General Reporter (Attachment D). New employees who are designated as Mandated Reporters, but who refuse to sign the statement presented to them cannot be hired, *without exception*.

B. Existing Employees

Existing employees hired on or after January 1, 1985 and who are identified as Mandated Reporters (including Management Personnel Plan employees) will be notified and required, as a condition of continuing employment, to sign a statement that acknowledges they will comply with their reporting obligations under the Act. The statement will specify whether the employee is a Limited Reporter (Attachment C) or a General Reporter (Attachment D). Campus Human Resources will follow up with employees who fail to submit the required statements. Existing employees

designated as Mandated Reporters who refuse to sign the statement within a reasonable period of time, despite being reminded by Campus Human Resources, will be subject to disciplinary action up to and including dismissal.

Employees hired prior to January 1, 1985 are not required to be designated as Mandated Reporters but are strongly encouraged to report suspected child abuse or neglect.

C. **Volunteers**

New volunteers are required to sign a statement prior to the start of their service as a volunteer that acknowledges their status as a Limited Reporter. Volunteers who refuse to sign the statement presented to them cannot serve as volunteers, *without exception*.

Existing volunteers are required to sign a statement that acknowledges their status as a Limited Reporter. Volunteers who refuse to sign the statement within a reasonable period of time cannot continue to serve as volunteers, *without exception*.

XI. TRAINING

An online course for Mandated Reporters is available on the [Learning Management System](#).

Most Mandated Reporters and volunteers are strongly encouraged to complete the online training course. However, the following employment position categories are **required to complete the online training so as to comply with the Act (Penal Code § 11165.7(c)(2))**:

- Category 48: An employee designated by the employer to accept any complaints of unlawful discrimination.
- Category 49: An adult employee or volunteer whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace.

[Attachment B](#) identifies the Categories of CSU employees in categories 48 and 49 described above.

Additionally, administrators, employees and regular volunteers whose duties require direct contact with, or supervision of, children may also be required to complete Mandated Reporter training. Please review the CSU's Managing Risk in Youth Programs Resource Guide ([Attachment F](#)) for relevant guidance.

XII. POSITION ANNOUNCEMENT/POSITION DESCRIPTION REQUIREMENTS

The position announcements (also known as "vacancy" announcements) and the position descriptions for all CSU positions designated as Mandated Reporters shall state that compliance with the Act and this executive order are a condition of employment, in language similar to the following: "The person holding this position is considered a 'mandated reporter' under the California Child Abuse and Neglect Reporting Act and is required to comply with the requirements set forth in CSU Executive Order 1083 as a condition of employment." Existing position announcements and position descriptions for all CSU positions shall be revised to include this language either at the time a recruitment to fill the position is open or at the time the position description is next scheduled for a periodic review by campus Human Resources, whichever is earlier.

XIII. Authority

This policy is issued pursuant to [Section II of the Standing Orders of the Board of Trustees of the California State University](#), and as further delegated by [the Standing Delegations of Administrative Authority](#).

XIV. Endnotes

¹ While this executive order excludes non-Management Personnel Plan employees hired prior to January 1, 1985 from being designated as Mandated Reporters, these employees may still have a legal obligation to report suspected child abuse or neglect under California Penal Code § 11165.7 and § 11166. Accordingly, the CSU strongly encourages all employees to report suspected child abuse or neglect.

Attachments

[A: Excerpts of California Child Abuse and Neglect Reporting Act Penal Code Sections 11164 through 11165.7, 11166, 11166.01, and 11167](#)

[B: Categories of Mandated Reporters](#)

[C: Statement Acknowledging Requirement to Report Child Abuse and Neglect \(Use for Limited Reporters Only\)](#)

[D: Statement Acknowledging Requirement to Report Child Abuse and Neglect \(Use for General Reporters Only\)](#)

[E: Suspected Child Abuse Report](#)

[F: Managing Risk in Youth Programs Resource Guide Dated 07-16-2021](#)

Approval Signatures

Step Description	Approver	Date
VC	Evelyn Nazario: Vice Chancellor, HR	12/24/2021
Area Manager/Owner	Andy Alvarez: Sr Mgr HR Policy Admin	12/24/2021